

## REMARKS

The Applicant has carefully reviewed the Office Action mailed May 5, 2010 (hereinafter “Office Action”) and offers the following remarks to accompany the above amendments.

Claim 35 was rejected under 35 U.S.C. § 101 for the reasons noted in the Office Action. The Applicant has amended claim 35 as kindly suggested by the Patent Office and requests that the rejection be withdrawn.

Claims 1-5, 7-8, 10-22, 24-25, and 27-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,724,874 to *Fleischer, III et al.* (hereinafter “*Fleischer*”) in view of U.S. Patent No. 6,775,534 to *Lindgren et al.* (hereinafter “*Lindgren*”). Claims 3 and 20 have been cancelled, thereby rendering the rejection of these claims moot. Regarding the remaining claims, the Applicant respectfully traverses the rejection.

When rejecting a claim under 35 U.S.C. § 103, the Patent Office must either show that the prior art references teach or suggest all limitations of the claim or explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.<sup>1</sup> The gap between the prior art and the claimed invention may not be “so great as to render the [claim] nonobvious to one reasonably skilled in the art.”<sup>2</sup> Here, the Patent Office has failed to show where each and every limitation of the claims is taught or suggested by the prior art. Further, for those limitations of the claims that are not taught or suggested by the prior art, the Patent Office has failed to explain why those limitations would have been obvious to one of ordinary skill in the art. More specifically, claim 1 has been amended to recite a method comprising, among other features, determining select call set-up requests that are received from users authorized to initiate emergency services call, and “creating emergency information for each of the select call setup requests based on the determination.” Claims 18 and 35 have been amended to include similar features.

The Applicant submits that none of the cited references, either alone or in combination, disclose or suggest creating emergency information for a call setup request received from a user authorized to initiate an emergency services call. The Applicant believes that *Fleischer* does not disclose or suggest this feature. Similarly, *Lindgren* does not disclose or suggest this feature. Nonetheless, the Patent Office maintains the rejection by asserting that *Lindgren* discloses this

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<sup>1</sup> *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418, 82 U.S.P.Q.2d (BNA) 1385 (2007).

<sup>2</sup> *Dann v. Johnston*, 425 U.S. 219, 230, 189 U.S.P.Q. (BNA) 257, 261 (1976).

feature in column 3, lines 30-51.<sup>3</sup> The Applicant respectfully disagrees. The cited portion discloses that when a mobile terminal starts voice over IP related call control signaling, the mobile terminal receives a call server address in the format of an IP address and sets this address in an IP packet header “destination address” field.<sup>4</sup> Furthermore, the cited portion of *Lindgren* discloses defining a new SIP emergency invite message.<sup>5</sup> However, *Lindgren* does not disclose or suggest, that for a call setup request received from a user authorized to initiate an emergency services call, creating emergency information for the call setup request.

Moreover, claim 1 has been amended to recite “inserting the emergency information into the select call setup requests” prior to forwarding the select call setup requests. Claims 18 and 35 have been amended to include similar features. The Applicant believes that *Fleischer* does not disclose or suggest this feature. Likewise, *Lindgren* does not disclose or suggest this feature. However, the Patent Office supports the rejection by stating that *Lindgren* discloses this feature in column 3, lines 30-51.<sup>6</sup> The Applicant respectfully disagrees. As noted above, at most, the cited portion discloses defining a new SIP emergency invite message. Nonetheless, *Lindgren* does not disclose inserting emergency information in a call setup request prior to forwarding the select call setup request. For at least this reason and the reasons noted above, claims 1, 18, and 35 are patentable over the cited references and the Applicant requests that the rejection be withdrawn. Similarly, claims 2, 4, 5, 7, 8, 10-17, 19, 21, 22, 24, 25, , and 27- 34, which variously depend from claim 1 or 18, are patentable for at least the same reasons along with the novel features recited therein.

Claims 6, 9, 23, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fleischer, III* and *Lindgren* in view of U.S. Patent No. 6,370,234 to *Kroll* (hereinafter “*Kroll*”). The Applicants respectfully traverse the rejection. The Appellant submits that none of the cited references, either alone or in combination, discloses or suggests all the features recited in claims 6, 9, 23, and 26. As detailed above, claims 1 and 18, the base claims from which claims 6, 9, 23, and 26 variously depend, are patentable over *Fleischer* and *Lindgren*. Moreover, *Kroll* does not address the previously noted problems of *Fleischer* and *Lindgren*. Therefore,

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<sup>3</sup> See Office Action mailed May 5, 2010, page 5.

<sup>4</sup> See *Lindgren*, col. 3, ll. 25-37.

<sup>5</sup> See *Lindgren*, col. 3, ll. 46-47.

<sup>6</sup> See Office Action mailed May 5, 2010, page 5.

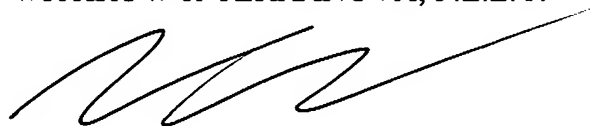
claims 6, 9, 23, and 26 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

The present application is now in a condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact the Applicants' representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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